**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.16586 of 1998

Dated:18.04.2007

Between
1.T.Prabhu Das and others.

.....Petitioners

and

The State of AP rep., by its Principal Secretary, Animal Husbandary & Fisheries (Dairy-I) Dept, Secretariat, Hyderabad and others.

...Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.16586 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare G.O.Ms.No.41, Animal Husbandary and Fisheries (Diary-I) Department, dated 30.04.1998 to the extent of directing the Managing Director, A.P State Meat and Poultry Development Corporation Limited, Hyderabad for brining the petitioners under VRS as arbitrary and illegal.

It is the case of the petitioners that in view of orders passed by this Court in WP No.11699 of 1996, they are entitled for regularization of their services. In the impugned GO the Managing Director of the Corporation was asked by the Government, after regularizing the services of the petitioners as per orders of

this Court, they may be brought under VRS scheme. Now, the complaint of the petitioners is that their services were regularized with effect from 30.04.1998 and therefore, they do not fit into the VRS scheme floated in the Corporation.

A detailed counter-affidavit has been filed by the respondents asserting that keeping in view the recommendations, the Government have issued the orders *vide* G.O.Ms.No.41, dated 30.4.1998 to the Corporation to ensure that the contingent employees of Bacon Factory whose services are regularized pursuant to the said GO are brought under Voluntary Retirement Scheme on par with other employees of the Corporation. The Government has also communicated the guidelines on Voluntary Retirement for the employees of Public Enterprises/State Undertakings etc., *vide* Memo No.1038/PE.I/A2/94-4 dated 23.1.1996. In terms of these guidelines, an employee who

has completed 10 years of service or completed 40 years of age and who has been identified by the Management to be brought under the Voluntary Retirement Scheme can opt for the scheme. The cases of employees who were not eligible for the Voluntary Retirement Scheme will be dealt with under the legal provisions of the appropriate enactments. Subsequently, the Government *vide* Memo No.47538/PE.I/A2/98-1 dated 26.8.1998 extended the special package to cases other than 'Voluntary Winding up' situations also in order to ensure a uniform and humane approach. Under this special package, the employee who is regular or permanent and who has put in less than ten years of service shall be eligible for the entire package of benefit of not less than Rs.30,000/-. Therefore, the contention of the petitioners that the Voluntary Retirement Scheme is not applicable to them since they are below 40 years of age and not put in 10 years of service,

is not acceptable. Bacon Factory is not a separate entity. It is only one of the units of the Corporation. This unit does not enjoy any special status. In view of this, the petitioners are to be treated `on par with employees of the other units of the Corporation. The Corporation cannot make any discrimination between the employees of Bacon Factory and employees of its other units. Further, since the Government has taken a decision for restructuring the Corporation and to privatize the Bacon Factory, it is necessary that the employees of Bacon Factory should be brought under Voluntary Retirement Scheme on par with other employees of the Corporation.

Learned counsel for the petitioners stated that the services of the petitioners were regularized very recently and therefore, they have not completed 10 years of service nor they have completed 40 years of age and hence the Voluntary Retirement Scheme

cannot be extended to them. In fact, the Government issued a Memo dated 26.8.1998 extending special package to other employees those who do not fit into the scheme of Voluntary Retirement Scheme. Under the special package, the employee who has put in less than ten years of service or who has below 40 years of age can opt for the scheme.

In view of the financial crunch and regular loss incurred by the 3rd respondent Factory, the said decision taken, which is in the nature of a policy, cannot be adjudicated under Article 226 of the Constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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18-04-2007

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